

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**JANICE STEWART**

**PETITIONER**

**V.**

**CIVIL ACTION NO. 1:97CR080-WAP**

**UNITED STATES OF AMERICA.**

**RESPONDENT**

**ORDER DENYING MOTION**

Petitioner, a *pro se* inmate, has filed a motion seeking permission to file a successive 2255 petition. Petitioner had previously filed a 2255 motion which was denied as untimely on November 21, 2001. Under Rule 9 which governs second 2255 proceedings, Petitioner must first obtain permission to file a successive habeas from the Fifth Circuit Court of Appeals. She has presented no proof that she has obtained such permission. Therefore, her motion for permission (docket entry 39) is DENIED.

SO ORDERED this the 1<sup>st</sup> day of October, 2007.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE